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## EVALUATOR MANUAL TRANSMITTAL SHEET

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<b><u>Distribution:</u></b>  ____ All Child Care Evaluator Manual Holders <u>  X  </u> All Residential Care Evaluator Manual Holders ____ All Evaluator Manual Holders	<b><u>Transmittal No.</u></b> <b>01APX-11</b>
	<b><u>Date Issued</u></b>  December 2001

**Subject:****Appendix –CCF: 2001 Chaptered Legislation and Implementation**

(Appendix Tab A – Community Care Facilities (Children’s Residential))

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**Reason For Change:**

This transmits summaries of legislation chaptered in 2001 affecting Community Care Facilities (Children’s Residential). The summaries are divided into two sections as follows:

- I. Immediate Action Required – Interim instructions are provided.
- II. No action pending regulations or further instruction.
- III. Information Only – No action a required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2002, unless otherwise specified.

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**Filing Instructions:**

- \_\_\_\_
- X   The attached pages into Appendix A. Do not remove similar documents from previous years.
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**Approved:**

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CAROLE JACOBI, Chief  
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# **SUMMARY AND IMPLEMENTATION PLANS 2001 CHAPTERED LEGISLATION**

## **CHILDREN'S RESIDENTIAL FOSTER FAMILY HOMES FOSTER FAMILY AGENCIES SMALL FAMILY HOMES GROUP HOMES**

<b>BILL NUMBER/AUTHOR</b>	<b>SUBJECT</b>	<b>PAGE</b>
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### ***ACTION REQUIRED***

AB 427/Hertzberg	Transitional Housing Replacement Program	1
AB 1695/Aroner	Revised Standards for Relatives and Non-relative Foster Family Homes	2

### ***NO ACTION PENDING REGULATIONS OR FURTHER INSTRUCTIONS***

AB 899/Lui	Rights for Foster Children	3
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### ***INFORMATION ONLY – NO ACTION REQUIRED***

AB 255/Speier	Crimes: Unattended Children in Vehicles	4
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**Unless otherwise noted, all new legislation becomes effective on January 1, 2001.**

**When conducting visits, Licensing Program Analysts should ensure that providers are aware of any new requirements. Licensing Program Analysts will provide information on the new laws to licensees as they make visits to facilities. We encourage provider associations and groups to share information on the new laws with their members. The information is also available on the CCLD website at <http://www.cclld.ca.gov/>**

## **ACTION REQUIRED**

### **AB 427 (Hertzberg), CHAPTER 125, STATUTES OF 2001**

**Affects:** Transitional Housing Placement Program

**Subject:** Foster Care Services

**Summary:** This legislation expands the scope of licensing and placement functions for Transitional Housing Placement Programs. The statute expands the age eligibility for youth from 17 and 18 years olds to 16 to 21. Only facilities serving youth 16 –18 and those over 18 and under 21 who are receiving specified aid will require licensing. Counties have the option of offering programs for 18-21 year old emancipated youth. These programs require certification but are otherwise licensed exempt.

This comprehensive legislation includes a number of other provisions not directly related to licensing.

**Implementation:** The statute requires the Department to revise licensing standards for Transitional Housing Placement Programs. The statute also allows the Department to implement the legislation through an All County Letter (ACL) pending regulations. The Community Care Licensing Division (CCLD) is completing an ACL with instructions for implementing the licensing provisions of the legislation. The ACL will be available on the Department Website ([www.dss.cahwnet.gov/cdss/default.htm](http://www.dss.cahwnet.gov/cdss/default.htm)) shortly after the New Year.

CCLD will develop emergency regulations by July 1, 2002, as statutorily mandated.

## **ACTION REQUIRED**

### **AB 1695 (ARONER) COMMITTEE ON HUMAN SERVICES, CHAPTER 653, STATUTES OF 2001**

**Affects:** Foster Family Homes

**Subject:** Revised Standards for Relatives and Non-relative Foster Family Homes

**Summary:** This statute requires that California's relative caregiver and non-relative extended family member caregiver approval process must employ the same health and safety standards used to license foster family homes. This ensures continuing compliance with the Federal Adoptions Safe Families Act of 1997. AB 1695 amended Health and Safety Code, Section 1505, to allow placement of a child in an approved home of a non-relative extended family member. Statute defines a non-relative extended family member as any adult caregiver who has an established familial or mentoring relationship with the child.

**Implementation:** AB 1695 gives the Department authority to implement the statute through an All County Letter (ACL) pending emergency regulations. The Department will issue an ACL and Interim Standards and instructions to the county and state licensing staff shortly after the New Year. The statute requires the Department to issue emergency regulations by July 1, 2002. The Community Care Licensing Division is currently developing the emergency regulations for licensing. Children and Family Services Division will issue information related to placement issues under separate cover.

# NO ACTION REQUIRED PENDING REGULATIONS OR FURTHER INSTRUCTION

## **AB 899 (LUI), CHAPTER 683, STATUTES OF 2001**

**Affects:** Group Homes, Foster Family Homes, Foster Family Agencies, Small Family Homes

**Subject:** Rights of Foster Children

**Summary:** This bill requires that community care facilities, licensed by CDSS to provide foster care services for children, inform children being placed in foster care of their personal rights. The information provided should address each child's questions and concerns in an age and developmentally appropriate manner. This bill adds the provision in the Health and Safety Code that any facility licensed to provide foster care for six or more children must post a listing of foster care children's personal rights.

This bill also lists 21 personal rights in the Welfare and Institutions Code. Most of the rights are currently in CCLD regulations and are enforced by CCLD. Other rights are currently enforced by the Office of the State Foster Care Ombudsperson. The purpose of this legislation is to ensure that all personal rights are uniformly respected and enforced.

This bill requires the Office of the State Foster Care Ombudsperson to:

- Consult with the California Youth Connection, California Welfare Directors Association, Chief Probation Officers of California, California Alliance of Child and Family Services, California Foster Parents Association and other interested parties to develop standardized information explaining the rights of children in an age-appropriate manner. The information developed should reflect relevant licensing requirements. This information shall be implemented no later than July 1, 2002.
- Design posters and disseminate information on the rights of children and youth in foster care.
- Investigate and attempt to resolve complaints made by or on behalf of children in care. Determine when a complaint should be referred to another agency for investigation.

**Implementation:** No additional action at this time beyond usual citations for personal rights violations.

CCLD will work with the Office of the State Foster Care Ombudsperson to revise regulations and ensure that the personal rights in CCLD regulations incorporate all of the personal rights added to the Welfare and Institutions Code.

## INFORMATION ONLY – NO ACTION REQUIRED

### **AB 255 (SPEIER), CHAPTER 855, STATUTES OF 2001**

**Affects:** All licensing categories.

**Subject:** Crimes: Unattended Children in Vehicles

**Summary:** SB 255 adds Division 6.7. “Unattended Child in Motor Vehicle Safety Act” to the Vehicle Code. This Division is known as the “Kaitlyn’s Law.” Any parent, legal guardian, or other person responsible for a child who is 6 years of age or younger may not leave the child inside a motor vehicle without the supervision of a person who is 12 years of age or older, under the following circumstances:

1. Where there are conditions that present a significant risk to the child’s health or safety;
2. When the vehicle’s engine is running or the vehicle’s keys are in the ignition or both.

This is a violation and is punishable by a fine of \$100. The court may require attendance of an educational program on the dangers of leaving young children unattended in motor vehicles.

**Implementation:** Information only, no additional action required.

Licensing Program Analysts should apply current practices and cite for lack of supervision if they find a child left unattended.